OFFICE OF THE ATTORNEY GENERAL 95-00195

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ATTORNEY GENERAL
STATE OF ALABAMA

APR 2 6 1995

Honorable William E. Bright, Jr.
Attorney, Center Point Fire Board
The Cole Center
Suite 409
1100 East Park Drive
Birmingham, AL   35235

> Fire Districts - Emergency
> Medical Services -
> Transportation Services -
> Transportation Charges
>
> Upon complying with the
> provisions of Amendment No.
> 369, the Center Point Fire
> District may provide medical
> rescue service to individuals
> and levy a service charge
> therefor.

Dear Mr. Bright:

This opinion is issued in response to your request for an opinion from the Attorney General.

QUESTION

Can the Center Point Fire District provide emergency transport service for injured individuals for reasonable compensation?

FACTS, LAW AND ANALYSIS

You informed me that the Center Point Fire District was established pursuant to Act No. 79, 1966 Special Session. This act was enacted pursuant to Amendment No. 239 to the Constitution of Alabama, 1901 which authorized the Legislature to provide for the formation of districts in

Jefferson County for fighting and preventing fires and for
the collection and disposal of garbage and trash. Amendment
No. 239 was amended in 1977 by Amendment No. 369 which
authorized such districts to furnish medical rescue services
and to levy service charges upon the occurrence of certain
conditions. Act No. 678, Acts of Alabama 1977, p. 1173 was
enacted to authorize districts to provide medical service
rescue services.

In order to provide medical rescue services, the
district must be recreated as a district that provides fire
protection and firefighting services and medical rescue
services. Paragraph 2 of Amendment No. 369 provides:

> "A district may be established for
> any one or more of the foregoing
> purposes. The county governing body
> shall provide by ordinance for submitting
> to the qualified electors within the
> proposed district the question of whether
> the district shall be created for one or
> more of such purposes."

Paragraph 7 of Amendment No. 369 states the county
governing body shall adopt ordinances providing for elections
on the question of the establishment of districts and
governing such elections and whether service charges shall be
levied.

According to Paragraph 4 of Amendment No. 369, the
governing body of the district may by resolution levy a
service charge subject to the conditions stated in Paragraph
6. Paragraph 6 states:

> "6. No service charge or tax
> provided for by this amendment shall
> become effective unless before the
> creation of the district involved such
> service charge or tax shall have been
> approved at an election in the territory
> proposed to be established as a district
> held at the time of the election on
> establishing the proposed district or
> unless after the establishment of the
> district the following shall have
> occurred:

> > "(1) The governing body adopting the
> > resolution or ordinance shall have
> > published the same in a newspaper of

general circulation in the district
involved;

"(2) Thirty (30) days shall have
elapsed since the publication of
such resolution or ordinance; and

"(3) One of these two events, called
Event A and Event B, shall have
occurred: Event A: Thirty days
following the said publication shall
have passed without any petition for
an election being filed under the
ordinance paragraph 7, below,
requires; Event B: At an election
called under said ordinance the
proposed service charge or tax shall
have been approved."

CONCLUSION

Upon complying with the provisions of Amendment No. 369,
the Center Point Fire District may provide medical rescue
service to individuals and levy a service charge therefor.

I hope this sufficiently answers your question. If our
office can be of further assistance, please contact James R.
Solomon, Jr., of my staff.

Sincerely,

JEFF SESSIONS
Attorney General
By:

JAMES R. SOLOMON, JR.
Chief, Opinions Division

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